

Message Text

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ACTION SCS-05

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TO SECSTATE WASHDC 1874
INFO AMEMBASSY MEXICO

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SUBJ: ARRESTS: REPORT TO CONGRESS: PL 94-329

REF: STATE 103491, MEXICO WIRENOTE OF MAY 12, 1977

1. FOLLOWING IS STATISTICAL ANALYSIS OF ARREST CASES OCCURRING IN
TIJUANA CONSULAR DISTRICT BETWEEN JANUARY 15, 1977 AND MAY 15, 1977
AS REQUESTED REFTEL.

A) TOTAL NUMBER OF AMERICANS ARRESTED AND REPORTED UPON JANUARY
15, 1977 TO MAY 15, 1977: THIRTY-SIX.

B) (1): TWENTY. (2): SEVENTEEN

IN TIJUANA ELEVEN CASES OF LACK OF PROMPT NOTIFICATION WERE DUE TO
ASSUMPTION BY MEXICAN AUTHORITIES THAT THESE SPANISH-SURNAMED
INDIVIDUALS WERE MEXICAN CITIZENS. TWO CASES IN WHICH AUTHORITIES
WERE APPARENTLY AWARE OF CITIZENSHIP BUT FAILED TO INFORM CONGEN
WERE NOT PROTESTED SINCE SUBJECTS PROMPTLY RELEASED. ONE CASE
PROTESTED BY CONGEN TO SUPERVISOR OF FEDERAL DISTRICT ATTORNEYS.
IN ENSENADA ONE CASE OF LACK OF NOTIFICATION WAS DUE TO ASSUMPTION
SPANISH-SURNAMED SUBJECT WAS MEXICAN. IN MEXICALI, ONE CASE OF
LACK OF NOTIFICATION DUE TO SPANISH-SURNAME; ANOTHER ONE PROTESTED
TO SUPERVISOR OF FEDERAL DISTRICT ATTORNEYS.

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C) CONSULAR REPRESENTATIVES MAKE SCHEDULED VISITS TO LA MESA STATE
PRISON IN TIJUANA, ENSENADA JAIL AND MEXICALI JAIL ONCE EVERY
MONTH, WHEN EACH PRISONER HAS OPPORTUNITY TO SPEAK WITH CONSULAR
REPRESENTATIVE IF HE WISHES. DUE TO PROXIMITY, FREQUENT UN-
SCHEDULED VISITS ALSO ARE MADE TO LA MESA STATE PRISON IN TIJUANA.

D) (1): TWO. (2): NONE. (3): NONE. (4): TWO

E) (1): TWELVE. (2): FOUR. (3): NONE. (4): EIGHT. (5) OF
THOSE CASES IN WHICH ABUSE COULD BE SUBSTANTIATED, TWO HAVE ALREADY
BEEN PROTESTED TO THE SUPERVISOR OF FEDERAL DISTRICT ATTORNEYS,

AND TWO (ONE IS IN MEXICALI, THE OTHER IN ENSENADA) ARE PENDING
FURTHER DETAILS BEFORE PROTEST IS MADE.

G) OF THOSE ARRESTED BETWEEN JANUARY 15, 1977 AND MAY 15, 1977:
NONE. OF THOSE ARRESTED PRIOR TO JANUARY 15, 1977, WHO HAD
COMPLAINTS FILED DURING THE PERIOD JANUARY 15, 1977 TO MAY 15,
1977C KQL THREE. (2): NONE. (3): NONE. (4): THREE. ALL
INDICATED COMPLAINTS INVOLVED CASES IN WHICH THE PRISONER DID NOT
USE LIST OF ATTORNEYS PROVIDED BY CONGEN. CONGEN ATTEMPTED TO
INVESTIGATE EACH CASE.

H) DURING THE PERIOD JANUARY 15, 1977 TO MAY 15, 1977: NONE

I) OF THOSE ARRESTED PRIOR TO JANUARY 15, 1977 WHO HAD BEEN INCAR-
CERATED FOR MORE THAN ONE YEAR AS OF A DATE BETWEEN JANUARY 15,
1977 AND MAY 15, 1977: (1): SIXTEEN. (2): ONE. (3): FOUR. (4):
REASONS FOR DELAY UNKNOWN IN SEVEN CASES SINCE PRISONERS DID NOT
REPOUND TO OUR WRITTEN INQUIRY.

IN TWO OTHER CASES DELAY DUE TO FACT THAT PRISONER HAS CHANGED
ATTORNEYS AT LEAST THREE TIMES. ONE OTHER CASE INVOLVED ARREST
AND PROSECUTION OF ELEVEN PERSONS AND ANOTHER FIFTEEN, THUS
CAUSING DELAY. OF THE FOUR CASES FOR WHICH NO EXPLANATION WAS
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AVAILABLE, THREE PRISONERS WERE SUBSEQUENTLY RELEASED AND ONE
SENTENCE.
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